

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: ALEXIS MAGER LAKUSTA,
Debtor.

ALEXIS MAGER LAKUSTA.,
Plaintiff/Appellant,

v.

MARK EVANS, et al,
Defendants/Appellees.

No. C 06-6105 PJH/
Adv. Case No. 03-3549 TC

ORDER TO SHOW CAUSE

Debtor Alexis Mager Lakusta ("Lakusta") appeals the bankruptcy court's September 8, 2006 order in adversary case no. 03-3549 TC (Chapter 7 case no. 02-31521 STC) declaring him a vexatious litigant and enjoining certain future proceedings. To date, Lakusta has failed to perfect his appeal in compliance with Federal Rule of Bankruptcy Procedure ("FRBP") 8006. That rule required Lakusta to file with the bankruptcy court no later than September 28, 2006, a designation of items to be included in the record on appeal. It also required Lakusta to provide the bankruptcy court clerk with a copy of the items designated, and to secure any necessary transcripts.

To date, the clerk of this court has yet to receive the record on appeal in this case. That is in spite of the fact that appellee Evans in this case designated with the bankruptcy court his contents for inclusion in the record on December 8, 2006.

This court's review of the bankruptcy court's docket in case no. 03-3549 TC confirms that Lakusta has not complied with FRBP 8006. This court is aware that Lakusta is concurrently pursuing at least one other appeal involving an unrelated order from adversary

1 case no. 03-3549 TC, in 06-3431 SBA (on January 12, 2007, Judge Armstrong denied
2 appellee's motion to relate the cases). Although Lakusta appears to have designated the
3 record in that appeal, **he has not done so in this case.**

4 Lakusta's perfection of the record in compliance with Rule 8006 is long overdue.
5 Accordingly, he is hereby ORDERED to show cause in a declaration filed with this court
6 and served on appellees **no later than ten days from the date of this order** why this
7 appeal should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil
8 Procedure 41(b). If Lakusta fails to respond in a timely manner to this order, the case shall
9 be dismissed for failure to prosecute.

10 Additionally, to the extent that the facts warrant a motion to dismiss, appellees may
11 file such a motion. The court will determine the motion on the papers without a hearing.

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13 Dated: March 21, 2007

14 **IT IS SO ORDERED.**



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PHYLLIS J. HAMILTON
United States District Judge
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